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FILED

APR 17 2014

SECRETARY, BOARD OF
OIL, GAS & MINING

Attorneys for the Division of Oil, Gas and Mining

IN THE MATTER OF THE REQUEST FOR
AGENCY ACTION OF BERRY PETROLEUM
COMPANY, LLC A WHOLLY OWNED
SUBSIDIARY OF LINN ENERGY, LLC AS
SUCCESSOR IN INTEREST TO BERRY
PETROLEUM COMPANY, FOR AN ORDER
FORCE-POOLING THE INTERESTS OF ALL
OWNERS REFUSING OR FAILING TO BEAR
THEIR PROPORTIONATE SHARE OF THE COSTS
OF DRILLING AND DRILLING AND OPERATING
THE DRILLING AND SPACING UNITS LOCATED
IN SECTIONS 5 AND 7 IN TOWNSHIP 6 SOUTH,
RANGE 4 WEST, USM, DUCHESNE COUNTY,
UTAH.

**Division of Oil, Gas and Mining's
Motion to Continue Hearing**

Docket No. 2014-012

Cause No. 272-04

The Division of Oil, Gas and Mining (“**Division**”), respectfully asks that the Board of Oil, Gas and Mining (“**Board**”) continue the hearing of the above entitled Request for Agency Action to the May Board Hearing under Utah Administrative Code Rule R641-105-300. The Petitioner has failed to meet its burden to file with the request—or within thirty days of the hearing—exhibits required to support the requested relief. See Utah Admin. Code R. R641-105-500 (2013). In addition, the Division believes there is a need for the Petitioner to set forth the legal arguments to support their request for retroactive pooling. Each of these omissions cannot be cured at this late time or at the hearing without prejudice to the Division’s ability to properly respond.

This Motion is supported by the Division's Memorandum in Opposition to the Request of Agency Action and in support of this motion to continue. A proposed order is attached for the Board's convenience.

RESPECTFULLY SUBMITTED this 17th day of April, 2014.

A handwritten signature in dark ink, appearing to read "Steven J. Alder", written over a horizontal line.

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**BEFORE THE BOARD OF OIL, GAS & MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

In the Matter of the Request for Agency Action of BERRY PETROLEUM COMPANY LLC, a wholly owned subsidiary of Linn Energy, LLC, as successor in interest to Berry Petroleum Company, for an order force-pooling the interests of all owners refusing or failing to bear their proportionate share of the costs of drilling and drilling and operating the drilling and spacing unites located in Sections 5 and 7 in Township 6 South, Range 4 West, USM, Duchesne County, Utah.

ORDER TO CONTINUE HEARING

Docket No. 2014-004
Cause No. 272-03

Based on the foregoing Motion to Continue Hearing, and good cause appearing,
IT IS HEREBY ORDERED that the hearing currently set in this matter for April 23, 2014 will be continued until the next regularly scheduled hearing date on May 28, 2014.

ENTERED this ____ day of March, 2014.

BOARD OF OIL, GAS AND MINING

Ruland J. Gill, Jr., Chairman